PATENT
Att'y Docket No. IBM/162/124
Confirmation No. 9157

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gregory P. Andrews et al.	Art Unit:	2756
Serial No.:	08/818,158	Examiner:	Thong Vu
Filed :	March 14, 1997		
For :	A COMPONENT DOWNLOAD SELECTION MECHANISM FOR WEB BROWSERS		

Assistant Commissioner for Patents
Washington, DC 20231

AMENDMENT TRANSMITTAL

1. ☒ **Transmitted herewith is a Response.**

2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

    ☐ Enclosed is a verified statement to establish Small Entity status

    ☒ **Other than a Small Entity**

3. **The fee has been calculated as shown below:**

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	37	minus	37	0	$18	$0.00
Independent Claims	5	minus	5	0	$80	$0.00
MULTIPLE DEPENDENT CLAIM FEE					$270	$0.00
TOTAL FEE FOR CLAIMS:						$0.00

☒ **No additional fee for claims is required.**

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4.   ☐   Attached is a check in the sum of $_____ for additional claims.
     ☐   Please charge my Deposit Account No. 23-3000 in the amount of $_____.

5.   **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

     ☒   **(a)   Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:**

	Ext. Mos.	Large entity	Small entity
☒	one month	$ 110.00	$ 55.00
☐	two months	$ 390.00	$ 195.00
☐	three months	$ 890.00	$ 445.00
☐	four months	$1,390.00	$ 695.00
☐	five months	$1,890.00	$ 945.00

Extension fee due with this request: $ 110.00

Method of Payment: Check enclosed in the amount of $ 110.00

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

☐   An extension for ____ months has already been secured and the fee paid thereof of $___ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request $____.

OR

☐   **(b)**   Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

☒   **If any additional fee for claims or extension of time is required, charge Account No. 23-3000.**

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: _____
Scott A. Stinebruner
Reg. No. 38,323

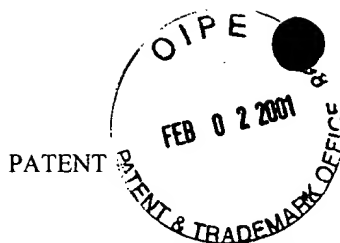2700 Carew Tower
Cincinnati, Ohio 45202-2917
(513) 241-2324

Enclosed:
Amendment Transmittal (in duplicate) containing Certificate of Mailing under 37 C.F.R. 1.8 and a Request for One Month Extension of Time Under 37 CFR 1.136
Response
Check for $110.00 for One Month Extension of Time Under 37 CFR 1.136
Reply Postcard

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory P. Andrews et al.   Art Unit: 2756

Serial No.: 08/818,158   Examiner: Thong Vu

Filed: March 14, 1997   Atty. Docket No.: IBM/162

For: A COMPONENT DOWNLOAD SELECTION MECHANISM FOR WEB BROWSERS

RESPONSE

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

This paper is submitted in response to the Office Action dated September 27, 2000. A request for a one month extension of time has been submitted concurrently herewith. Moreover, as the extended period for response expires on a Saturday, the period of response extends up to and includes January 29, 2001. Reconsideration and allowance of all pending claims by the Examiner are respectfully requested.

In the subject Office Action, claims 38, 50, and 61-62 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,630,066 to Gosling. Additionally, claims 39-49, 51-60, and 63-74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gosling in view of U.S. Patent No. 5,708,825 to Sotomayor.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained.

Turning first to the rejection of claim 38, this claim recites an apparatus including a processor, a memory and a computer program commencing to download a file referencing a plurality of components, said computer program <u>dynamically prompting</u> a user to select which of said plurality of components to download.

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The Examiner's new rejection is based on Gosling, which discloses a process for automatically downloading viewers for downloaded objects in response to selection of such objects by a user. As seen in Gosling at column 2, lines 35-55 (the passage relied upon by the Examiner), Gosling discloses utilizing data type information for a downloaded object to determine whether a viewer for the referenced object is available on the user's workstation. If not locally available, Gosling automatically locates an appropriate viewer from a server and downloads the viewer to a user's local computer, thereby permitting the viewer to be executed and the downloaded object viewed.

At nowhere in the cited passage, or anywhere else in Gosling, however, is any functionality disclosed for "prompting" a user to select which of a plurality of components in a downloaded file to download, as is required by claim 38. In fact, the differences between claim 38 and Gosling are such that Applicants are unsure as to exactly what in Gosling the Examiner considers to be analogous to the "file" and "components" recited in claim 38. Under any reading of Gosling, however, it does not appear that Gosling anticipates claim 38.

On the one hand, the Examiner may be analogizing the objects discussed in Gosling to a "file," and the object viewers to "components" in the context of the claims. If so, Gosling does not disclose either "commencing to download a file referencing a plurality of components," or "dynamically prompting a user to select which of said plurality of components to download," as is required by claim 38. As to the former limitation, the object viewers are not <u>referenced</u> by objects in the Gosling environment. Rather, an object viewer in Gosling corresponds to program code that is used to display an object, and is identified only by virtue to the data type of the object, and not by a reference in the object. In addition, as to the latter limitation, Gosling automatically downloads a viewer <u>independent</u> of any user interaction, i.e., explicitly <u>without</u> any prompting of a user. Thus, under this reading of Gosling, neither of the aforementioned limitations is disclosed by Gosling, so claim 38 is novel over Gosling.

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On the other hand, the Examiner may be analogizing the objects discussed in Gosling to "components", and a document referencing an object to a "file." Under this alternate reading, however, Gosling still fails to anticipate the claim, as such a reading would reduce Gosling to teaching nothing more than conventional hypertext linking, which Applicants have clearly distinguished in the application as well as throughout prosecution. Claim 38 does not read on the situation where a hypertext link to another object appears in a downloaded document, where the downloading of the object occurs only in response to user selection of the hypertext link to that object. Rather, claim 38 is directed to the situation where a file references a plurality of components that are conventionally downloaded in connection with the file, but where instead of automatically downloading those components, the user is <u>dynamically prompted</u> to select which of those components should be downloaded. Thus, even under this alternate reading, Gosling fails to anticipate claim 38.

Moreover, claim 38 is non-obvious over Gosling, as there is no suggestion in Gosling to dynamically prompt a user as to whether to download a component referenced by a downloaded file. In fact, Gosling expressly teaches <u>away</u> from the claimed invention, as the primary purpose of Gosling is to download an object viewer <u>automatically</u> and <u>without user intervention</u>. See, for example, column 2, lines 13-30 of Gosling, which discuss the drawbacks of requiring a user to manually download a viewer.

Therefore, Applicants respectfully submit that claim 38 is patentable over Gosling. Reconsideration and allowance of claim 38, as well as claim 39-49 which depend therefrom, are therefore respectfully requested.

Next, with regard to each of independent claims 50 and 61, each of these claims likewise recites prompting a user to select which of a plurality of components referenced by a file or document should be downloaded. As discussed above in connection with claim 38, Gosling fails to disclose or suggest this combination of features. Accordingly, claims 50 and 61 are novel and non-obvious over Gosling. Reconsideration and

allowance of claims 50 and 61, as well as claims 51-60 and 62-72 which depend therefrom, are therefore respectfully requested.

Next, with regard to claims 73 and 74, the Examiner rejects these claims based on the combination of Gosling and Sotomayor. The Examiner relies on Gosling for teaching the prompting of a user to select which of a plurality of components to download, as with claims 38, 50 and 61. However, the Examiner relies on Sotomayor for disclosing a web browser application and a component download selection mechanism that operates on an HTML document.

As above with respect to claims 38, 50 and 61, however, Gosling fails to disclose or suggest dynamically prompting a user to select which of a plurality of components referenced by a file should be downloaded. Likewise, Sotomayor fails to disclose or suggest this claimed feature. In fact, it appears the Examiner is relying on Sotomayor solely for teaching the concept of a web browser and of parsing HTML documents. Sotomayor does not disclose, and is apparently not relied upon to disclose, the concept of dynamically prompting a user as to which of a plurality of components to download. Accordingly, Applicants respectfully submit that claims 73 and 74 are novel and non-obvious over the prior art of record for the same reasons presented above with respect to the other independent claims. Reconsideration and allowance of claims 73 and 74 are therefore respectfully requested.
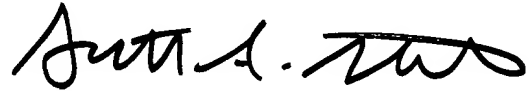
In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending

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claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

29 JAN 2001

Date

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